

**FILED**  
**JAN 26 2016**  
OFFICE OF THE BANKRUPTCY CLERK  
ALBANY, NY

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

In re:

Chapter 13

Umbert Perillo,

Case No. 12-11945-1-rel

Debtor.

**CONDITIONAL ORDER GRANTING THE DEFAULT  
MOTION OF AMERICAN TAX FUNDING, LLC FOR AN  
ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY**

Upon the Default Motion of American Tax Funding, LLC ("ATF") for an Order Granting Relief from the Automatic Stay ("Motion") dated December 1, 2015, so as to permit foreclosure of ATF's tax liens ("Tax Liens") on 4 Starr Avenue, Schenectady, New York, Tax Parcel ID Number 60.47-3-13, and 8 Starr Avenue, Schenectady, New York, Tax Parcel ID Number 60.47-3-10 (collectively, the "Property"), and upon the Declaration of Tadgh Macaulay dated December 1, 2015, and the terms of this "Conditional Order" having been negotiated by and between counsel for the parties, it is hereby

ORDERED, that, commencing on the date of this Conditional Order through and including January 1, 2017, the Debtor shall make monthly payments in an amount not less than \$750.00 per month in partial payment of all unpaid post-petition real property taxes and assessments assessed against the Property prior to the date of this Conditional Order ("Post-Petition Arrears") on the first day of each month commencing on February 1, 2016 and in each month thereafter, directly to the appropriate taxing authority, time being of the essence, and shall provide proof of such payment to ATF and its counsel within five (5) days after each monthly payment; and it is further

ORDERED, that on or before February 1, 2017, the Debtor shall pay all remaining unpaid Post-Petition Arrears, directly to the appropriate taxing authority, time being of the essence, and shall timely provide proof of such payment to ATF and its counsel; and it is further

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ORDERED, that on or before February 1, 2017, the Debtor shall pay to ATF reasonable attorney's fees and disbursements incurred in connection with the Motion and this Conditional Order in the amount of \$500.00.

ORDERED, that the Debtor shall timely make any payment of real property taxes or assessments assessed against the Property after the date of this Conditional Order as required by applicable nonbankruptcy law and shall provide proof of such payment to ATF and its counsel within five (5) days after each payment; and it is further

ORDERED, that in the event of default by the Debtor in (i) timely making the payment of unpaid real property taxes specified in the preceding paragraphs, (ii) timely making any payment of real property taxes or assessments assessed against the Property after the date of this Conditional Order as required by applicable nonbankruptcy law, or (iii) timely making any other payment required under the Debtor's confirmed Chapter 13 plan with respect to ATF's secured claims, then in such event, and upon the filing of an ex parte application with this Court and the signature of an ex parte order, the automatic stay shall be deemed terminated with regard to ATF and its successors and/or assigns and ATF and its successors and/or assigns shall be permitted to proceed to foreclosure or otherwise exercise its remedies under applicable law to enforce its liens against the Property. Upon the signature of an ex parte order for relief from the automatic stay in favor of ATF, the automatic stay shall be terminated without further notice and ATF and its successors and/or assigns shall be permitted to exercise its rights and remedies under applicable law with respect to the Property.

ORDERED, that the ex parte Order for relief from the automatic stay in favor of ATF shall provide that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure staying an order granting a motion for relief from the automatic stay for fourteen (14) days is waived.

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Agreed and accepted as of  
January 22, 2016.

PHILLIPS LYTTLE LLP

By Nickolas Karavolas

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Allan L. Hill

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-and-

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Laura L. Silva

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Schenectady, NY 12305

**SO ORDERED:**

Dated: January 26, 2016  
Albany, New York

Robert E. Littlefield, Jr.

Hon. Robert E. Littlefield, Jr.  
United States Bankruptcy Judge

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